

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**LYNN D. COUSINS, JR., Individually
and Derivatively as the Co-Trustee of the
BETTY L. TURN FAMILY TRUST**

V.

**JAMES R. TURN, Individually and as
Co-Trustee of the BETTY L. TURN
FAMILY TRUST**

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CIVIL ACTION NO. 9:16-cv-47

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The court has received and considered the report and recommendation of United States Magistrate Judge Zack Hawthorn (Doc. No. 86), which recommends granting Plaintiff Lynn Cousins' Motion to Remand (Doc. No. 22) on the basis that diversity of all parties is not complete, destroying federal subject matter jurisdiction. No objections have been filed to Judge Hawthorn's report and recommendation, and the time for doing so has passed.

It is, therefore, **ORDERED** that Judge Hawthorn's report and recommendation (Doc. No. 86) is **ADOPTED**. This case is remanded to the 349th Judicial District of Houston County, Texas. The Clerk of Court is directed to close this case.

So **ORDERED** and **SIGNED** this **31** day of **January, 2017**.



Ron Clark, United States District Judge